

**Exhibit 37**

**2075-3**

**Pages 50, 139 thru 142**

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1 Q What is the most -- strike that. Looking at  
2 the next page, maybe the page after that, I'm at  
3 section 10-9.7 large B, top of the -- a couple of  
4 pages over, are you with me? It talks about the  
5 criteria for BMPs?

6 A Yes.

7 Q Are you aware of any growers in your area of  
8 the state who are discharging poultry waste to the  
9 waters of the state of Oklahoma?

10 A I'm not aware of any.

11 Q Okay. Will you agree with me that the Acts,  
12 A-C-T-S, that we're looking at in Exhibit 1 are the  
13 method by which the legislature and the governor of  
14 the State of Oklahoma have decided to regulate the  
15 use of poultry litter in Oklahoma?

16 MR. NANCE: Object as calling for a legal  
17 conclusion. You can go ahead, if you know.

18 A I -- I really don't -- I don't know that --  
19 exactly what they were after, I don't --

20 Q (By Mr. Elrod) But -- but these are the Acts  
21 that we're looking at here --

22 A Yes.

23 Q -- that control --

24 A Yes.

25 Q -- the management of the poultry litter in

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1 Q Okay. To your knowledge, has Mr. Saunders  
2 done anything on his property that's resulted in the  
3 runoff of poultry waste?

4 A Not to my knowledge.

5 Q To your knowledge, has Mr. Saunders done  
6 anything to result in the discharge of poultry  
7 waste?

8 A Not to my knowledge.

9 Q To your knowledge, Mr. Littlefield, has Mr.  
10 Saunders done anything on his property to cause the  
11 contamination of the waters of the State of  
12 Oklahoma?

13 A Not to my knowledge.

14 Q All right. Let me -- we're done with that  
15 one, sir. Let me hand you a list that I marked as  
16 Exhibit 16. What this is, Mr. Littlefield, is I'll  
17 represent to you that I believe that this is the  
18 list -- a list of poultry growers in Oklahoma in the  
19 Illinois River watershed that currently have a  
20 contract with Peterson Farms. So my first question  
21 is, can you identify any of these growers for whom  
22 you are the regular inspector? We've already --  
23 we've already talked about the Two-Saun Farm next to  
24 the bottom. Are there any of the others that are  
25 your growers?

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1 A All of them except Jeff Tanners -- Andrews,  
2 Andrews, and Anita.

3 Q Okay. So Jeff Andrews in Rose and Anita  
4 Andrews in Kansas are not within your district?

5 A Yes, sir.

6 Q Everyone else is? Okay. So Dennis  
7 Chamberlain, Diamond S Farms --

8 A Diamond S Farms, what do you -- are you  
9 acquainted with what the owner of that one is?

10 Q If I can answer, I will. I don't have the  
11 person's name. It's on Route 1, Box 345, Colcord.

12 A That's the only one I have any question about.

13 Q It's got three houses, three houses on that  
14 operation.

15 A That would be the only one that I'd have any  
16 question about, but I know the others personally,  
17 and I probably know him.

18 MR. ELROD: I'm sorry, would you restate  
19 who these people are?

20 MR. McDANIEL: Current Oklahoma Illinois  
21 River watershed growers under contract with Peterson  
22 Farms.

23 Q (By Mr. McDaniel) Okay. Now that we've gone  
24 back and forth, you're certain that Anita Andrews  
25 and Jeff Andrews are not yours?

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1 A Yes.

2 Q You have a question with regard to Diamond S?

3 A That's right.

4 Q All right. Can I see your copy of that? And  
5 what I'm going to do is I'm going to draw a line  
6 through these two names, you can still read them,  
7 but I'm going to draw a line through them, and then  
8 I'm going to put a question mark by Diamond S, and  
9 tell me if by doing that, I've fairly represented  
10 your testimony about that list?

11 A Yes.

12 Q Okay. Now, with regard to the ones that you  
13 are aware are within your district, everyone except  
14 Anita Andrews, Jeff Andrews, and I'm not going to  
15 ask you about Diamond S Farms, everybody else on  
16 that list, to your knowledge -- let's see, one, two,  
17 three, four, five, six -- to your knowledge, have  
18 any one of these Oklahoma poultry growers done  
19 anything to cause the contamination of the waters of  
20 the state of Oklahoma?

21 A Not to my knowledge.

22 Q Are you aware of any poultry grower under  
23 contract with Peterson Farms, Inc. that has caused  
24 the contamination of the waters of the state of  
25 Oklahoma in the Illinois River watershed?

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1 A To what I know, no.

2 Q Any grower ever, to your knowledge under  
3 contract with Peterson Farms, is your answer still  
4 not to your knowledge?

5 A Yes, sir.

6 Q Okay. The complaint investigation part of  
7 your job, we've talked about odor complaints. What  
8 other types of complaints do you have to respond to,  
9 just by category?

10 A Well, application rate, spreading too close to  
11 swales or water, you know, contamination, that's  
12 mentioned a lot, applying too close to waters of the  
13 State, overapplying.

14 Q Every -- you talked about it this morning, so  
15 I don't want to waste time going through it again,  
16 but in order for you to act on a complaint, you have  
17 to receive some directive from Oklahoma City; is  
18 that true?

19 A That's right.

20 Q All right. So once -- are you given a  
21 specific directive, please go look, see what you  
22 find, in other words, you're told what is needed?

23 A There is a complaint -- the protocol is they  
24 have a complaint form that's filled out.

25 Q Okay.